

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

DENNIS W. SEIFNER,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

No. 05-4379-CV-C-DW-SSA

ORDER

Defendant moves the Court, pursuant to 42 U.S.C. § 405(g), to reverse and remand the Commissioner's decision denying Plaintiff disability benefits under Title II of the Social Security Act (Doc. 14). Defendant states that the Appeals counsel has determined that remand is appropriate for further consideration of Plaintiff's claim. Specifically, Defendant requests reversal and remand to the Administrative Law Judge ("ALJ") to: give further consideration to the treating and examining sources opinions pursuant to 20 C.F.R. § 404.1527 and Social Security Rulings 96-2p and 96-5p; evaluate Plaintiff's mental impairments according to 20 C.F.R. § 404.1520a; give further consideration to Plaintiff's residual functional capacity, providing appropriate rationale with specific reference to the supporting evidence of record; and obtain supplementary evidence from a vocational expert, if necessary.

Plaintiff has no objections to Defendant's motion. (Doc. 11.) After a review of the record, the Court agrees that the case should be remanded for the reasons articulated by Defendant. Moreover, the Court favors remanding this case in order to expedite administrative review, ensure that the Commissioner properly considers Plaintiff's claim, and possibly make judicial review

unnecessary. For these reasons, the Court grants Defendant's motion. Defendant has specifically agreed that the entry of the Court's judgment will begin the appeal period, which determines the 30-day period during which a timely application for attorney's fees may be filed. See Shalala v. Schaefer, 509 U.S. 292, 297-98 (1993).

Accordingly, Defendant's Motion to Reverse and Remand is hereby GRANTED and the Clerk of the Court is directed to enter final judgment pursuant to § 405(g) reversing and remanding the decision to the ALJ.

IT IS SO ORDERED.

Date: June 30, 2006

/s/ DEAN WHIPPLE
Dean Whipple
United States District Court